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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,363	10/20/2003	Milind M. Buddhikot	BUDDHIKOT 8-1-1-1-8-11 (L)	4389
46363 7590 05/20/2008 PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			EXAMINER WYSZYNSKI, AUBREY H	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 05/20/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/689,363	Applicant(s) BUDDHIKOT ET AL.	
	Examiner AUBREY H. WYSZYNSKI	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9,10,12,15,16 and 19 is/are rejected.
- 7) ☒ Claim(s) 2,6,8,11,13,14,17,18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/22/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/22/08 has been entered.
2. Claims 1-20 and 29 are pending.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 4/22/08 is being considered by the examiner.

Double Patenting

4. Claims 1, 3-5, 7, 9, 10, 12, 15, 16 and 19 of this application conflict with claims 1, 2, 4-8, 10, 15, and 16 of Application No. 10/689,168. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one

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application or maintain a clear line of demarcation between the applications. See MPEP § 822.

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1, 3-5, 7, 9, 10, 12, 15, 16 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 2, 4-8, 10, 15, and 16 of copending Application No. 10/689,168. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: Although the conflicting claims are not identical, they are not patentably

distinct from each other. Please see the chart below for a comparison of the claims.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

10/689,363	Co-pending application 10/689,168
1. A gateway for mobile access, comprising: a foreign agent that receives user profile data and session state data from a home authentication, authorization and accounting (AAA) system of a mobile node; at least one dynamic packet filter that performs multi-layer filtering based on the user profile data; wherein the foreign agent transfers a session from a first network to a second network without session interruption, using the session state data, when the mobile	1. A gateway for mobile communications, comprising: a cache for storing network data recently downloaded from a network; a mobile IP foreign agent; and a packet filter that directs requests for the network data from a mobile node to the cache, the packet filter directing the requested network data from the cache to the mobile node by way of the foreign agent, without forwarding the requested network data to a home agent of the mobile node.

<p>node moves from the first network to the second network, and</p> <p>the foreign agent uses the dynamic packet filter to permit Internet access by the mobile node without passing Internet data requested by the mobile node through a network in which the home AAA system is located</p>	<p>2. The gateway of claim 1, further comprising a storage device that stores a state of the mobile node, the state of the mobile node being updated in the storage device when the mobile node moves from the proximity of the gateway to the proximity of a second gateway having a second foreign agent,</p> <p>wherein the packet filter directs the requested network data from the cache to the mobile node by way of the second foreign agent, without forwarding the requested network data to the first foreign agent or a home agent of the mobile node, while the mobile node is in the proximity of the second gateway.</p> <p>7. The gateway of claim 1, wherein the packet filter performs multi-level filtering.</p>
<p>15. A gateway for mobile access, comprising: a foreign agent that receives</p>	<p>1. A gateway for mobile communications, comprising:</p>

<p>user profile data from a home authentication, authorization and accounting (AAA) system of a client, when the client establishes a session with the gateway;</p> <p>a dynamic packet filter that performs multi-layer filtering based on the user profile data;</p> <p>an access point contained within or attached to a housing of the gateway, for communication between the gateway and the client; and</p> <p>a wireless modem contained within or attached to a housing of the gateway, wherein the gateway is mobile, and the modem permits wireless communication between the gateway and a wireless network</p>	<p>a cache for storing network data recently downloaded from a network;</p> <p>a mobile IP foreign agent; and</p> <p>a packet filter that directs requests for the network data from a mobile node to the cache, the packet filter directing the requested network data from the cache to the mobile node by way of the foreign agent, without forwarding the requested network data to a home agent of the mobile node.</p> <p>2. The gateway of claim 1, further comprising a storage device that stores a state of the mobile node, the state of the mobile node being updated in the storage device when the mobile node moves from the proximity of the gateway to the proximity of a second gateway having a second foreign agent, wherein the packet filter directs the requested network data from the cache to</p>
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	<p>the mobile node by way of the second foreign agent, without forwarding the requested network data to the first foreign agent or a home agent of the mobile node, while the mobile node is in the proximity of the second gateway.</p> <p>7. The gateway of claim 1, wherein the packet filter performs multi-level filtering.</p>
<p>3. The gateway of claim 1, wherein the dynamic packet filter performs network layer filtering and one of the group consisting of transport layer filtering and application layer filtering.</p> <p>19. The gateway of claim 15, wherein the dynamic packet filter performs network layer filtering and one of the group consisting of transport layer filtering and application layer filtering.</p>	<p>8. The gateway of claim 1, wherein the packet filter performs network layer filtering and one of the group consisting of transport layer filtering and application layer filtering</p>
<p>12. The gateway of claim 1, further</p>	<p>6. The gateway of claim 5, wherein the</p>

comprising 802.11 access point contained within or attached to a housing of the gateway.	gateway has at least one port for coupling directly or indirectly to an 802.11 access point.
<p>4. The gateway of claim 1, further comprising a non-volatile storage device in which the user profile data are stored.</p> <p>5. The gateway of claim 1, wherein the non-volatile storage device has a database that stores state information for each active user session</p>	<p>10. The gateway of claim 9, further comprising a storage device that stores a state of the mobile node, the state of the mobile node being updated in the storage device when the mobile node moves from the proximity of the gateway to the proximity of a second gateway having a second foreign agent, wherein the data directing means directs the requested network data from the cache to the mobile node by way of the second foreign agent, without forwarding the requested network data to the first foreign agent or a home agent of the mobile node, while the mobile node is in the proximity of the second gateway.</p>
7. The gateway of claim 1, wherein the gateway exchanges AAA	15. A method for mobile worldwide web access, comprising: caching network data

<p>data with the home AAA system of the mobile node by way of the Internet, and the gateway provides Internet access to the mobile node without passing Internet data requested by the mobile node through the network of the home AAA system.</p> <p>16. The gateway of claim 15, wherein the gateway provides Internet access to the client without passing Internet data requested by the client through a network containing the home AAA system of the client</p>	<p>recently downloaded from a network in a cache; directing requests for the network data from a mobile node to the cache; directing the requested network data from the cache to the mobile node by way of a foreign agent collocated with the cache, without forwarding the requested network data to a home agent of the mobile node, while the mobile node is proximate to the cache.</p>
<p>10. The gateway of claim 1, the user profile data include per-user policies dynamically obtained from the home AAA server of the mobile node and the gateway further the dynamic packet filter is included in a firewall that uses packet filtering rules that depend on the per-user policies</p>	<p>4. The gateway of claim 1, wherein the packet filter adds at least one packet-mangling rule to a set of firewall policies associated with the mobile node.</p> <p>5. The gateway of claim 4, wherein the at least one packet-mangling rule is user-</p>

	specific.
9. The gateway of claim 1, wherein the gateway has a foreign agent that communicates with the home AAA system of the mobile node, and the foreign agent is capable of operating in a relay mode, in which the foreign agent forwards packets to the home AAA of the mobile IP node for authentication, or in a standalone mode, in which authentication computations for the simple IP mobile node are performed in the gateway.	16. The method of claim 15, further comprising: storing a state of the mobile node at a first gateway that includes the cache; updating the state of the mobile node when the mobile node moves from the proximity of the first gateway to the proximity of a second gateway having a second foreign agent; directing the requested network data from the cache to the mobile node by way of the second foreign agent, without forwarding the requested network data to the first foreign agent or a home agent of the mobile node, while the mobile node is in the proximity of the second gateway.

Allowable Subject Matter

7. Claim 29 allowed.
8. Claims 2, 6, 8, 11, 13, 14, 17, 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 4/22/08 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUBREY H. WYSZYNSKI whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, and alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aubrey H Wyszynski/
Examiner, Art Unit 2134

/Kambiz Zand/
Supervisory Patent Examiner, Art Unit 2134